Robie

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN RE PETITION FOR THE U.S EPA TO:

1) FORMALLY DETERMINE AND FIND THAT CLASS I PSD SULFUR DIOXIDE INCREMENT VIOLATIONS EXIST IN THEODORE ROOSEVELT NATIONAL PARK, THE LOSTWOOD WILDERNESS AREA, THE MEDICINE LAKES WILDERNESS AREA, AND THE CLASS I FORT PECK INDIAN RESERVATION.

2) FORMALLY DETERMINE AND FIND, BASED ON ESTABLISHED SULFUR DIOXIDE INCREMENT VIOLATIONS, THAT THE NORTH DAKOTA SIP IS SUBSTANTIALLY INADEQUATE TO PREVENT AND CORRECT SUCH VIOLATIONS AND TO CALL FOR A SIP REVISION TO CORRECT THE INADEQUACY.

Respectfully Submitted by:

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USEPA RA'S OFFICE

DAKOTA RESOURCE COUNCIL

July 29, 2004

The Dakota Resource Council, in accordance with 5 U.S.C. § 553(e), hereby petitions the U.S. Environmental Protection Agency ("EPA") formally to find Class I PSD increment violations for sulfur dioxide and formally to determine that North Dakota's state implementation plan ("SIP") is substantially inadequate to prevent ongoing sulfur dioxide air pollution violations in Class I areas in North Dakota and Montana. Because EPA's analyses show sulfur dioxide ("SO_2") prevention of significant deterioration ("PSD") increment violations in these areas EPA must call for North Dakota to revise its SIP within 60 days to correct such violations. See the Clean Air Act ("CAA") at 42 U.S.C. § 7410(k)(5) and PSD regulations at 40 C.F.R. § 51.166(a)(3).

Dating to 1999, air quality modeling analyses conducted by the state of North Dakota and EPA have found numerous violations of Class I PSD increments for SO_2 in North Dakota and Montana. See North Dakota Department of Health, Calpuff Class I Area Analysis for Milton R. Young Generating Station (May 24, 1999) (Attachment A); U.S. E.P.A., Dispersion Modeling Analysis of PSD Class I Increment Consumption in North Dakota and Eastern Montana (May 2003) (Attachment B). Because numerous PSD increment violations have been found, EPA must require a SIP revision according to EPA's own regulations and the CAA: "If the State or the Administrator determines that a plan is substantially inadequate to prevent significant deterioration or that an applicable increment is being violated, the plan shall be revised to correct the inadequacy or the violation." 40 C.F.R. § 51.166(a)(3) (emphasis added); see also 42 U.S.C. § 7410(k)(5).

In the event North Dakota does not timely respond to EPA's call for a SIP revision to correct the inadequacies with its PSD program, we hereby petition EPA to withdraw approval of the state's PSD program and take immediate action to correct the ongoing SO_2 increment violations in North Dakota and Montana pursuant to a federal PSD program. See 42 U.S.C. § 7410(c)(1). We likewise request that EPA withhold grant funding under 42 U.S.C. §§ 7410(m) and 7509(a) should North Dakota fail to revise properly and timely its SIP in response to the SIP call.

EPA's obligation to issue a SIP call to North Dakota is not diminished by the February 24, 2004 memorandum of understanding ("MOU") executed between EPA and the state of North Dakota. The MOU is not a final agency action, is not the product of any rulemaking process, and has no binding legal effect. Similarly, North Dakota's April 30, 2004 alternate modeling protocol, developed pursuant to the MOU, has no legal

force. Furthermore, North Dakota's modeling protocol attempts to sweep under the rug the earlier findings of increment violations by substantially changing the air quality modeling guidance in 40 C.F.R. Part 51, Appendix W. The MOU and North Dakota's subsequent alternate modeling protocol are also without legal substance because they depart substantially from existing air quality modeling requirements at 40 C.F.R. § 51.112 without having followed any public notice and comment procedures. Because no notice and comment rulemaking has occurred on North Dakota's alternate model, it is illegal and cannot supplant the findings of the approved air quality model that shows ongoing SO_2 increment violations.

I. THE EPA MUST FORMALLY FIND CLASS I PREVENTION OF SIGNIFICANT DETERIORATION INCREMENT VIOLATIONS FOR SULFUR DIOXIDE AND ISSUE A FORMAL DETERMINATION THAT NORTH DAKOTA'S SIP IS SUBSTANTIALLY INADEQUATE TO COMPLY WITH THE PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY REQUIREMENTS UNDER THE FEDERAL CLEAN AIR ACT.

In light of the facts showing ongoing SO_2 increment violations, EPA must formally determine Class I PSD increment violations exist and consequently find that North Dakota's SIP is substantially inadequate and issue a "SIP call" to the State of North Dakota pursuant to 42 U.S.C. § 7410(k)(5) and 40 C.F.R. § 51.166(a)(3).

The CAA expressly provides that "[w]henever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to ... comply with any requirement of this chapter, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies." 42 U.S.C. § 7410(k)(5). Similarly, the PSD program specifically directs the EPA to require revisions to the SIP "if . . . the Administrator determines that a plan is substantially inadequate to prevent significant

deterioration or that an applicable increment is being violated," and "the plan shall be revised to correct the inadequacy or the violation." 40 C. F.R. § 51.166(a)(3). The regulations further require that the plan be revised by the State within 60 days after notification by the Administrator of the deficiency. *Id.*

A. Both North Dakota and US EPA modeling analyses have found numerous violations of Class I PSD increments for sulfur dioxide.

Air quality modeling analyses conducted by North Dakota and EPA have found numerous violations of Class I PSD increments for sulfur dioxide in North Dakota. EPA has determined that these analyses are consistent with EPA modeling guidelines. Therefore EPA should formalize its finding and issue a SIP call to North Dakota.

In 1999 North Dakota completed an air quality modeling analysis that found numerous increment violations in four Class I areas. EPA expressed concern to North Dakota about the finding of increment violations, and found that the modeling analysis was consistent with EPA guidelines:

> We have reviewed the methodology used in the modeling analysis, and we believe that State has conducted a technically sound modeling analysis. We believe the analysis is consistent with EPA's Guideline on Air Quality Models and the recommendations of the Interagency Workgroup on Air Quality Modeling for evaluating impacts on Class I areas.

Letter from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Jeffrey L. Burgess, Director, Division of Environmental Engineering, State of North Dakota Department of Health (February 1, 2000) (Attachment C). On April 19, 2000 North Dakota submitted a subsequent analysis to EPA which also showed numerous violations in the four Class I areas. (Attachment F, p. 3.) In a March 28, 2001 letter from Richard Long to Francis Schwindt, Long stated that "EPA is very concerned about the PSD increment violations" and noted that EPA would publish an informational notice in

the Federal Register "to inform the public of the process by which the State and EPA intend to address these increment violations." Letter from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Francis Schwindt, Chief, Environmental Health Section, State of North Dakota Department of Health (March 28, 2001)(Attachment D).

EPA publicly found in the Federal Register notice:

> North Dakota has conducted a draft modeling analysis that shows numerous violations of the Class I prevention of significant deterioration (PSD) increments for sulfur dioxide (SO2) in four Class I areas. Those Class I areas include Theodore Roosevelt National Park, the Lostwood Wilderness Area, the Medicine Lakes Wilderness Area, and the Fort Peck Class I Indian Reservation.

66 Fed.Reg. 29127, May 29, 2001 (Attachment E).

The State of North Dakota responded to these findings of increment violations by generating an alternative modeling analysis which claimed there were no violations. EPA found the state's alternative model was "not acceptable" because it deviated from approved methodologies and tended to underestimate air quality degradation:

> On April 2, 2001 we received the modeling protocol from the State. The protocol was not acceptable to EPA because the State did not demonstrate that the protocol would be at least as protective of air quality as a protocol developed pursuant to longstanding EPA regulation and guidance for determining increment consumption. Furthermore, the State's protocol would underestimate the amount of air quality degradation that is occurring in the Class I airsheds.

U.S. EPA, Comments on North Dakota department of Health's proposed determination regarding the adequacy of the SIP to protect PSD increments for sulfur dioxide (May 24, 2002) (Attachment F, p. 4). EPA's comments explained the deficiencies with the state's alternative:

> It appears that the State's proposed modeling effort needs revision since the State's alternative methodologies have not been demonstrated to be more appropriate than the methodologies outlined in the Federal PSD program. As a

> result, it appears that this proposed modeling effort cannot be used to support the proposed conclusion in the hearing notice that the State Implementation Plan (or SIP) is adequate to prevent significant deterioration of air quality for affected Class I areas.

Ibid. at p. 6.

Because EPA and North Dakota could not agree on a modeling protocol, EPA conducted its own modeling analysis which was released for comment in January 2002 and was issued in final form on May 23, 2003. After performing years of scientific analysis and modeling, EPA announced that it had found,

> numerous violations of the Class I PSD increments for sulfur dioxide (SO_2) in four Class I areas. These Class I areas are the Theodore Roosevelt National Park and the Lostwood Wilderness Area in North Dakota and the Medicine Lakes Wilderness Area and Fort Peck Indian Reservation in Montana.

68 Fed.Reg. 28211 (May 23, 2003) (Attachment G). EPA's May 23, 2003 Federal Register notice was based on the agency's *Dispersion Modeling Analysis of PSD Class I Increment Consumption in North Dakota and Eastern Montana*, May 2003, discussed below ("*Increment Consumption Analysis*").

In particular, "based on long-standing EPA methodologies," EPA found SO_2 increment violations in all Class I areas listed above for all five years of meteorological data modeled. *Increment Consumption Analysis*, p. 45. In Theodore Roosevelt National Park, EPA's analysis shows SO_2 pollution levels exceeded the five micrograms per cubic meter (ug/m^3) PSD increment by more than twice that amount, with Table 5-1 showing SO_2 at 10.5 and 11.0 ug/m^3 at the South and North Units of the Park, respectively. *Id.*, at p. 46. According to EPA, its modeling of the worst year of meteorological conditions out of five years of actual meteorological data showed 23 total violations of the 24-hour

SO_2 increment in the North Dakota and Montana Class I areas, and four total violations of the three-hour SO_2 increment in the same areas.[1]

EPA also determined that ongoing SO_2 violations in North Dakota and Montana are substantially caused by SO_2 emissions originating from pollution sources in North Dakota. According to EPA's *Increment Consumption Analysis*, over 90 percent of the SO_2 emissions causing the increment violations in North Dakota and Montana come from North Dakota power plants and other energy related facilities. See Table 2-1 at p. 5, Table 3-1 at p. 28, and Table 3-2 at p. 29.

Comparing the methodology of its analysis to that of the earlier North Dakota analysis, EPA found that its own analysis "represents what EPA believes to be the most appropriate methodology to assess the status of Class 1 increment consumption in North Dakota and eastern Montana following EPA guidance and regulatory requirements." *Id.*, at p.1-2. By contrast, EPA determined the state's analysis was deficient and inconsistent with Clean Air Act requirements:

> The State's April 2002 study does not show PSD Class 1 increment violations, however, the analysis was based on a number of alternative methodologies that conflict with the methodologies outlined in the Federal PSD program and EPA's modeling requirements. As a result, it appears that the State's modeling effort is deficient and should not be used to determine whether the PSD Class I increments are being protected in the modeling domain. *Id.*

EPA is required to issue a SIP call whenever it finds that North Dakota's SIP is substantially inadequate to protect Class I PSD Increments. 42 U.S.C. § 7410(k)(5). North Dakota is required to revise its SIP within 60 days of receiving this SIP call. *Id.* Four years have already passed since EPA first found that Class I PSD violations existed.

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[1] EPA's modeling protocol requires the agency to show worst-case conditions based on a five-year period of meteorological data. 40 C.F.R. Part 51, Appendix W, § 8.3.1.1.

(Attachment C.) There has already been unreasonable delay in EPA's execution of its statutory responsibilities. Because EPA's analyses show numerous increment violations, EPA must formally find PSD Class I increment violations, issue a formal finding that the North Dakota SIP is substantially inadequate, and issue a SIP call to correct the violations.

B. The MOU and North Dakota's alternate modeling protocol are unlawful because they modify or substitute for a specified air quality model, and have not been subjected to legally required public comment.

EPA's most recent MOU with the state of North Dakota, and North Dakota's revised modeling protocol, do not change the facts or law described above. Therefore EPA's modeling analyses control and require EPA to make a formal finding that North Dakota's SIP is substantially inadequate.

The MOU and North Dakota's revised modeling protocol were never subject to notice and comment rulemaking and do not constitute final agency action. Thus they have no legal effect.[2] The Administrative Procedure Act and the Clean Air Act rulemaking procedures require federal agencies to publish "[g]eneral notice of proposed rulemaking" in the Federal Register, 5 U.S.C. § 553(b), and "give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments," 5 U.S.C. 553(c). While section 553 exempts "interpretative rules" and "general statements of policy" from notice and comment procedures, 5 U.S.C. § 553(b)(3)(A), it is well established that an agency may not label a substantive change to a

[2] When the MOU was challenged by DRC in the Eighth Circuit Court of Appeals EPA agreed to a dismissal of the action because the MOU does not represent a final agency action and therefore "does not represent the consummation of the agency's decisionmaking process and does not determine rights or obligations." Joint Stipulation of Dismissal, June 18, 2004, Docket No. 04-1994.

rule an interpretation simply to avoid the notice and comment requirements. See *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1024 (D.C. Cir. 2000); *Air Transport Ass'n of America, Inc. v. F.A.A.*, 291 F.3d 49, 54 (D.C. Cir. 2002). Out of concern for the scientific complexities involved in air quality regulatory matters, Congress imposed even more rigorous procedural safeguards under section 307(d) of the Clean Air Act, 42 U.S.C. § 7607(d). See *Sierra Club v. Costle*, 657 F.2d 298, 392-400 (D.C. Cir. 1981); *Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F.2d 506, 518-519 (D.C. Cir. 1983).

The distinction between a substantive rule and an interpretive rule turns on "whether the interpretation itself carries the force and effect of law . . . or rather whether it spells out a duty fairly encompassed within the regulation that the interpretation purports to construe." *Paralyzed Veterans v. DC Arena L.P.*, 117 F.3d 579, 588 (D.C. Cir. 1997) (internal citation omitted).

An interpretive rule has "legal effect" if "in the absence of the rule there would not be an adequate legislative basis for enforcement action or other agency action to confer benefits or ensure the performance of duties," or if "the rule effectively amends a prior legislative rule." *American Min. Congress v. Mine Safety & Health Admin.*, 995 F.2d 1106, 1112 (D.C. Cir. 1993).

A review of the regulations controlling air quality modeling analysis indicates that the MOU and North Dakota's alternative modeling protocol attempt to change established law. As established in 40 C.F.R. § 51.160, guidelines for acceptable air quality modeling analysis are provided in 40 C.F.R. Part 51, Appendix W. Under 40 C.F.R. § 51.112, when an air quality model is modified or substituted for a preferred

model specified in Appendix W, the substitute or modified model must be subject to notice and opportunity for public comment:

> Where an air quality model specified in appendix W of this part (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the Administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in § 51.102. (40 C.F.R. § 51.112.)

This requirement is codified in the plain terms of the Clean Air Act. Section 165(e) of the Act, 42 U.S.C. § 7475(e), expressly mandates "notice and opportunity for public hearing" before any adjustment to models used under the PSD program.

Further, as a modification or substitute of a preferred air quality model, under 40 C.F.R. Part 51 Appendix W, Section 3.2.2, the alternative model must meet the following conditions:

> i. The model has received a scientific peer review;
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> ii. The model can be demonstrated to be applicable to the problem on a theoretical basis;
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> iii. The data bases which are necessary to perform the analysis are available and adequate;
>
> iv. Appropriate performance evaluations of the model have shown that the model is not biased toward underestimates; and v. A protocol on methods and procedures to be followed has been established.

EPA's February 24, 2004 MOU establishes a protocol for developing a new air quality model. U.S. EPA, Memorandum of Understanding between the State of North Dakota and United States Environmental Protection Agency, (February 24, 2004) (Attachment H). Pursuant to the MOU, on April 30, 2004 North Dakota produced an alternate modeling protocol strikingly similar to the state's April 2002 protocol that EPA found woefully inadequate. North Dakota Department of Health, "A proposed alternative

air quality modeling protocol to examine the status of attainment of PSD Class I increments," (April 30, 2004) (Attachment I). As in 2002, North Dakota's 2004 alternative modeling protocol is result – not science – driven. Its sole aim is to justify a finding of no increment violations. See U.S. EPA, "EPA comments on North Dakota Department of Health's Proposed Determination Regarding the Adequacy of the SIP to Protect PSD Increments For Sulfur Dioxide," (May 24, 2002), (Attachment F) referred to hereafter as "2002 comments."

That the MOU and North Dakota's alternate protocol depart significantly from air quality modeling guidance provided in Appendix W is confirmed by a letter issued to EPA headquarters from the air quality modelers from every EPA regional office in the country. U.S. EPA, email from EPA regional air quality modelers to Bill Harnett, Director, Information Transfer and Program Integration Division, EPA, and Peter Tsirigotis, director, Emissions, Monitoring, and Analysis Division, EPA (April 21, 2004) (Attachment J). The letter asks that the MOU and North Dakota's revised modeling protocol be rejected. The letter notes a number of significant departures from established law and long-standing EPA policy. Some of the key departures of the alternative modeling protocol from the procedures specified in Appendix W are delineated here:

1) North Dakota's protocol prefers ambient monitoring over modeling. Ambient monitoring is not a substitute for modeling because it cannot distinguish between sources that consume increment and baseline sources and cannot provide full spatial and temporal coverage. As the 2002 comments note, "EPA generally considers monitoring data unreliable for determining how much of the increment has been used up." *2002 Comments* at p. 9.

2) The protocol fails to count emissions from sources receiving variances as consuming increment. The variance provision of section 165(d)(2)(C)(iii) of the Clean Air Act (42 U.S.C. 7475(d)(2)(c)(iii)) allows for an exemption from prohibition of construction of a facility if the Federal Land Manager determines it will not have an adverse impact on air quality in the Class I area.

But the court in Alabama Power made it clear that the increment must nonetheless be protected, by restricting pollution from existing sources even when a variance has been granted:

> The waiver has vitality and recognition in that facilities granted special consideration under these provisions are, in effect, treated as facilities operating in compliance with the provisions of the Act. But the totality of facilities in compliance, as a group, may be subject to measures necessary to cope with a condition of pollutants exceeding the PSD maximum.

Alabama Power Co. v. Costle, 636 F.2d 323, 363 (D.C.Cir. 1979).

EPA has, moreover, made this stance clear in earlier communications with North Dakota. See *2002 Comments* at p. 12 describing letter from John S. Seitz, Director, Office of Air Quality and Planning Standards, EPA, to Francis J. Schwindt, Chief, Environmental Health Section, State of North Dakota Department of Health (December 12, 2001), and Letter from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Jeff Burgess, director, Division of Environmental Engineering, State of North Dakota Department of Health (February 1, 2000) (Attachment C.)

3) The protocol uses an annual emission average to demonstrate compliance with the 24-hour increment standard, which fails to protect the 24 hour standard. The 2002 Comments note that ". . .the state's approach is inconsistent with how EPA checks for the 3 and 24-hour increment standards and the [sic] fails to protect the statutory 3 and 24

hour increments. Averaging the concentrations over longer time periods eliminates short-term concentration peaks, which the 3 and 24-hour average increments are meant to protect. It appears that the State's approach significantly underestimates increment consumption . . ." *2002 Comments* at p. 13.

4) The protocol fails to assure that increments are not exceeded on a temporal basis as well as a spatial basis. EPA's Guideline on Air Quality Models requires that for PSD modeling, "sequential modeling must demonstrate that allowable increments are not exceeded temporally and spatially, i.e., for all receptors for each time period through out the year(s)," 40 C.F.R. Part 51, Appendix W, S. 11.2.3.3(b). The protocol uses only one day of baseline data, instead of the 365 days of data traditionally used, and therefore fails to protect the increment on a temporal basis. Moreover, the protocol selects the worst baseline day with the highest concentrations of sulfur dioxide. This allows degradation of the cleanest days all the way to the condition of the dirtiest day.

5) The protocol averages the receptors located in each Class I area into a single value to get an average concentration of pollutants for each area. This effectively reduces the maximum predicted concentrations at each Class I area, because SO2 concentrations are not uniformly distributed. This approach is inconsistent with EPA's Guideline on Air Quality Modeling at 40 C.F.R. pt. 51 Appendix W S 8.2.2(a), which states that "receptor sites for refined modeling should be utilized in sufficient detail to estimate the highest concentrations and possible violations of a NAAQS or PSD increment."

6) The Protocol inappropriately counts increment consuming emissions in the baseline. The protocol artificially inflates the baseline by considering anticipated emissions rather than actual emissions contrary to 40 C.F.R. S 51.166(13), and selects the

highest two years to calculate its baseline, rather than the two years immediately preceding the baseline date.

As show above, North Dakota's protocol departs significantly from long-standing Clean Air Act requirements and policy. Under 40 C.F.R. Part 51 Appendix W, Section 3.2.2, changes to established modeling protocols require, among other things, scientific peer review and performance evaluations which indicate the alternative model is not biased toward underestimation. Under 40 C.F.R. § 51.112 and sections 165(e) and 307(d) of the Clean Air Act, modeling protocol changes require public notice, opportunity for public hearing, and adherence to other rulemaking procedures. Rather than interpreting the provisions of Appendix W, the MOU has effectively amended them. Unless the rulemaking requirements of the APA and the Clean Air Act are met, the alternative modeling protocol is manifestly unlawful.

Because the alternative modeling protocol is unlawful, the findings of increment violations under preferred models by EPA and North Dakota cannot be supplanted by contrary findings under the alternative modeling protocol. EPA therefore must formally find PSD Class I increment violations, issue a formal finding that the North Dakota SIP is substantially inadequate, and issue a SIP call to correct the violations.

II. CONCLUSION

For the foregoing reasons, we respectfully request that EPA immediately take the actions requested in this petition. To the extent that EPA denies this petition, we request that EPA set forth in detail its reasons for doing so consistent with Section 555(e) of the Administrative Procedure Act, 5 U.S.C. § 555(e).

DATED: July 29, 2004

FOR DAKOTA RESOURCE COUNCIL

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CERTIFICATE OF SERVICE

I certify that on this 29th day of July I caused to be sent via U.S. Mail, certified receipt requested, a copy of the foregoing petition to the addressees below:

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Reed Zars

DRC Petition Attachments
(Provided on CD)

A. North Dakota Department of Health, Calpuff Class I Area Analysis for Milton R. Young Generating Station, May 24, 1999.

B. U.S. E.P.A., Dispersion Modeling Analysis of PSD Class I Increment Consumption in North Dakota and Eastern Montana, May 2003.

C. Letter from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Jeffrey L. Burgess, Director, Division of Environmental Engineering, State of North Dakota Department of Health, February 1, 2000.

D. Letter from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Francis Schwindt, Chief, Environmental Health Section, State of North Dakota Department of Health, March 28, 2001.

E. 66 Fed.Reg. 29127, May 29, 2001.

F. U.S. EPA, Comments on North Dakota department of Health's proposed determination regarding the adequacy of the SIP to protect PSD increments for sulfur dioxide, May 24, 2002.

G. 68 Fed.Reg. 28211, May 23, 2003. (Attachment G).

H. U.S. EPA, Memorandum of Understanding between the State of North Dakota and United States Environmental Protection Agency, February 24, 2004.

I. North Dakota Department of Health, "A proposed alternative air quality modeling protocol to examine the status of attainment of PSD Class I increments," April 30, 2004.

J. U.S. EPA, "EPA comments on North Dakota Department of Health's Proposed Determination Regarding the Adequacy of the SIP to Protect PSD Increments For Sulfur Dioxide," May 24, 2002.

K. U.S. EPA, E-mail from EPA regional air quality modelers to Bill Harnett, Director, Information Transfer and Program Integration Division, EPA, and Peter Tsirigotis, director, Emissions, Monitoring, and Analysis Division, EPA, April 21, 2004.

L. Letter from John S. Seitz, Director, Office of Air Quality and Planning Standards, EPA, to Francis J. Schwindt, Chief, Environmental Health Section, State of North Dakota Department of Health, June 25, 2001.